



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHEAST REGIONAL OFFICE

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CERTIFIED MAIL

December 7, 2006

Richard A. Nylan, Esq.  
Lynch DeSimone & Nylan, LLP  
12 Post Office Square  
Boston, Massachusetts 02109

Re: NEWBURYPORT - Solid Wastes  
Crow Lane  
New Ventures LLC (aka. Crow Lane  
Landfill)  
Expanded Capping  
FMF No. 39545

Dear Attorney Nylan:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Waste Prevention, Solid Waste Management Section ("MassDEP") is in receipt of New Ventures Associates, LLC ("New Ventures") proposal, dated December 7, 2006, to expand the area of the landfill New Ventures is capping under paragraph 3 of the Preliminary Injunction entered on October 20, 2006 in *Commonwealth of Massachusetts v. New Ventures Associates, LLC*, Suffolk Superior Court, Civil Action No. 06-0790 C (the "Order"). The proposal was prepared by Steven Trettel, New Ventures' Vice President of Engineering and includes a plan prepared by SITEC Environmental of Marshfield, Massachusetts. This plan, dated December 7, 2007 and titled "Supplemental Cap and Gas System Installation", depicts the proposed expanded limits of the area New Ventures proposes to cap as part of the Phase 1 and 2 capping. Paragraph 1.r. of the Order requires that the Phase 1 and 2 capping be completed by January 3, 2007.

New Ventures proposes to expand the limits of the Phase 1 and 2 boundary as identified in the Order to include an additional 60,000 square feet of area (approximately 1.5 acres) for purposes of capping this year. The additional area consists of a large plateau at the top of the landfill and the area of landfill gas extraction well EW-12 immediately adjacent to the Phase 1 and 2 Areas. These areas were originally to be covered with temporary tarps over the winter. This additional final FML capping will bring the total area to be capped to approximately 60% of the landfill and will result in placement of the permanent cap on approximately 75% of the landfill that contains C & D Fines and Residuals. The Order requires that the remaining areas of C & D Fines and Residuals be covered by temporary tarps. New Ventures is not proposing an extension of the time for completing the Phase 1 and 2 capping under the Order.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service 1-978-694-3492.

<http://www.mass.gov/dep> • Fax (978) 694-3499

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Expanding the capped area will reduce the generation of leachate and landfill gas by prohibiting precipitation infiltration into the landfill. The expanded capping will also increase the effectiveness of the landfill gas extraction system, and reduce the potential for landfill gas emissions to impact off-site receptors. Therefore, MassDEP concurs with New Ventures proposal to expand the Phase 1 and 2 Areas to the limits depicted on the SITEC Plan referenced above.

If you have any questions please contact me at (978) 694-3299.

Sincerely,

**This final document copy is being provided to you electronically by the  
Massachusetts Department of Environmental Protection.  
A signed copy of this document  
is on file at the DEP office listed on the letterhead.**

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John A. Carrigan, Chief  
Solid Waste Management Section

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